

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
CHEEMA’S SUPERMARKET)	
)	
Plaintiff.)	
)	
v.)	Civil Action No. 17-10055-JGD
)	
UNITED STATES of AMERICA)	
)	
)	
Defendant.)	
_____)	

JOINT STATUS REPORT AND MOTION TO AMEND THE SCHEDULING ORDER

NOW COME the parties, Cheema’s Supermarket, and the United States Department of Agriculture (“USDA”), by and through their respective counsel, and jointly submit this Status Report and Motion to Amend the Scheduling Order as follows:

1. This action seeks judicial review of the Final Agency Decision of the USDA disqualifying Cheema’s Supermarket from the Supplemental Nutritional Assistance Program (“SNAP”).
2. Following a status conference on January 11, 2018, the Court set a schedule for any remaining discovery and a further status conference for March 2, 2018 (Document No. 36).
3. Since the January 11, 2018 status conference, the parties have worked cooperatively to resolve issues relating to supplemental responses and follow up discovery requests.
4. Specifically, Defendant provided supplemental discovery responses on February 6, 2018 and follow up requests to Plaintiff, which is in the process of supplementing its responses.

5. During this process, Defendant identified twenty five pages that had been omitted from the administrative record previously filed with the Court. As such, Defendant promptly provided those pages to the attorneys for the Plaintiff and, on February 9, 2018, filed a Corrected Administrative Record (Document No. 38), which includes the twenty-five pages at A.R. 45a-45y.

6. On February 20, 2018, the undersigned counsel participated in a telephonic discovery conference. The parties agree that additional time is necessary for Plaintiff to supplement its discovery responses and for the parties to conduct limited additional discovery relating to A.R. 45a- 45y and the information contained therein.

7. In order to complete the remaining discovery, therefore, the parties jointly request that the Court extend the discovery schedule by 45 days and enter the following deadlines:

- Plaintiff may serve, by March 2, 2018, additional written discovery responses, limited to five document requests and five interrogatories, upon the Defendant relating to A.R. 45a- 45y and the information contained therein;
- Defendant will respond to the additional requests within the time provided by the Federal Rules unless otherwise agreed by the parties;
- Plaintiff will supplement its discovery responses by March 30, 2018; if Plaintiff does not intend to supplement any of the responses identified by the Defendant as incomplete, it will notify Defendant of its objections by March 15, 2018;
- Discovery will close on April 15, 2018.
- The Status conference scheduled for March 2, 2018 shall be continued to a date on or after April 23, 2018.

WHEREFORE, for the reasons set forth herein, the parties jointly request that the Court extend the discovery deadlines and continue the March 2, 2018 status conference to a date on or after April 23, 2018.

Respectfully submitted,

Respectfully submitted,

CHEEMA'S SUPERMARKET
Plaintiff

ANDREW E. LELLING
United States Attorney

By: /s/John R. Bitá III

John R. Bitá III, Esq. BBO No. 667886
35 India Street - Third Floor
Boston, MA 02210
Tel: (617) 538-5407
Fax: (888) 201-8530
jrb@bitalaw.com

By: /s/Jessica P. Driscoll

Jessica P. Driscoll, BBO No. 655394
Assistant United States Attorney
United States Attorney's Office
John Joseph Moakley U.S. Courthouse
1 Courthouse Way, Suite 9200
Boston, MA 02210
(617) 748-3398
Jessica.Driscoll@usdoj.gov

By: /s/James E. Neyman

James E. Neyman, BBO No. 555229
James E. Neyman & Associates, P.C.
76 Canal Street, 4th Floor
Boston, MA 02114
(617) 723-2627
james@neymanandassociates.com

Local Rule 7.1 Certificate

I hereby certify that this status report and motion is being filed jointly on behalf of all parties.

Date: February 21, 2018

/s/ John R. Bitá III

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

Date: February 21, 2018

/s/ John R. Bitá III